XVIII

NOTES ON SOME ASPECTS OF ARAB BUSINESS PRACTICES IN ADEN

A little over ten years ago Dr ʿABDULLĀH b. MUḤAMMAD MAQṬARĪ [1] discussed with me how business was carried on in Aden among the Arab community, and the notes below are based on the information which he has generously permitted me to write up under my own name.

The practices described here had obviously been going on for a very long time but the circumstances of today must inevitably mean that some have disappeared, been modified, or are in abeyance. Under communist rule, it is reported, every business down to the single owner shop has been "nationalized", which, in effect, means the seizure from the owner without compensation while the latter has become an employee on the same basis as the rest of the staff. Many formerly prosperous Aden merchants, often Yemeni by birth, betook themselves to al-Ḥudaydah and Mocha, or other places in and outside the Yemen, when communist measures in Aden rendered commerce impossible for them. It is possible that similar customs still flourish in these Yemeni ports, for they must have a well developed local set of commercial practices, such as existed in Aden.

Though in Aden the century and a quarter of stable British government made possible the establishment of a considerable number of European firms and a small European business community, this was organized naturally on a different basis from that of the Arabs dealing with Arabs. European businessmen for the most part probably did not have a very intimate knowledge, with certain exceptions naturally, of how the Arabs carried on their business [2]. It would be interesting to study how the Parsee and Bāniyān communities, most of whom came to Aden after it was captured by the British (though Bāniyāns flourished there from at least mediaeval times [3]), managed their business affairs. A study of

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[1] Author of "Water Rights and Irrigation Practices in Laḥj" (Cambridge 1971).

[2] Nevertheless F. M. HUNTER, "An Account of the British Settlement of Aden" (London 1877 and reprint), has much of interesting data. South Arabian books on law (mainly in Ms.) contain much information on business practice.

[3] See my "Portuguese off the South Arabian Coast" (Oxford 1963: 32 s.).

Jewish business methods in Aden and their relations with the Arabs could probably be still made today though the community so long established there has left, probably to the last man. Many Indians were preparing to leave Aden before the British withdrawal in 1967, and since they will have been dispossessed, not to say robbed, by "nationalization" it is to be expected that most able to leave will already have done so. Very recently signs of a possible change of policy if not of heart, seem to have shown themselves in Aden under outside pressures. The collapse of Aden as a centre of commerce since 1967 is comparable to its fall under the first Ottoman occupation in 16–17th centuries when Turkish extortion so ruined the port that trading retreated to Mocha, and though it revived to some extent under the Zaydī Imāms, it had so far been ruined again by 1839 that its inhabitants numbered only about a thousand souls.

The *dallāl* and the *wakīl*

The *dallāl,* who can be described in Aden and Ṣan'ā' as a commission agent, is discussed in that branch of Islamic law known as *ḥisbah* which covers market law in general; but the *dallāl* in Ḥaḍramawt[4] has functions not to be found with the *dallāl* in these two cities.

There is a clear distinction between the professions of *dilālah* and *wakālah* in Aden, but a man may act as both a *dallāl* and a *wakīl* or agent. The task of a *dallāl* is simple – it is indeed explained by the meaning of the Arabic word (*dalla*) itself – he brings to the attention of merchants all goods, properties or other interests which may be potentially profitable. Once he succeeds in getting a merchant interested in certain goods or properties he is then asked to become a go-between, and when the deal is concluded he receives either a percentage or a service fee (*dilālah*). The good and well known *dallāls* will never accept anything but a percentage – which may lie somewhere between a half and two and a half per cent, depending on the amount involved – the larger the amount the less the percentage.

Of the *wakīls* the best known in Aden are the rent collectors who often deal with nothing else but real property – they are almost the same as estate agents in England. The practice in Aden is that they collect rents and deliver them monthly (which is rare), or every three months, or even once every six months – which is the practice common

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[4] Cf. "le courtier" in C. DE LANDBERG, "Etudes sur les dialectes de l'Arabie méridionale, Ḥaḍramoût" (Leiden 1901: 332 s.).

among those who manage vast numbers of properties. Rent collectors sometimes undertake repairs of property and often appear in the courts or in front of rent tribunals on behalf of their owners. In almost all cases the fee is 2% of the total amount of rent collected, beside the fact that some of them get the chance of investing some of the money that is kept in their custody, as well as collecting a portion of any "key-money" [5] which they may arrange to be delivered to the owner. In some cases, if the tenant of a premises agrees for a consideration, to vacate the premises and deliver it to another person, the *wakīl* would normally agree to obtain for him the consent of the property-owner, who normally grants it, again for a consideration. In such a case the *wakīl* would collect a service charge (*khidmah*) from both the owner and the original tenant.

Another type of *wakīl* is one who acts as an agent for persons working abroad. This category is usually to be found among merchants and shop-keepers. A man who leaves Aden or the Yemen for, say, East Africa, would ask some shop-keeper known to him to supply his family with food, provisions, clothes and maintenance money. The cost of providing these items as well as the money itself is considered an advance payment (*taqdimah*). The shop-keeper charges no service on this, but when the other party sends him money from abroad the shop-keeper will deduct service (*khidmah*) for saving the balance after he has deducted what is owing to him, besides any profit he makes on the rate of exchange from the foreign currency. For instance a man might send back from Sa'ūdī Arabia a sum of 500 *riyāls,* whether as notes enclosed with a letter, or with someone travelling back to Aden. The shop-keeper will refer to his account and see, perhaps, that he is owed 300 *riyāls* – which he will deduct from the 500 *riyāls* sent to him. He will retain the balance against the return of the man from abroad, but take service on the 200 *riyāls* for holding it on his behalf – how much exactly is uncertain but it would likely be two or two and a half per cent. This may be compared with a Ṣan'ānī practice where, till it was looted in 1948, people used to deposit money with the merchants of Samsarat Sīdī Muḥammad b. al-Ḥasan [6], who made a small charge for keeping it.

In the old days (i.e. before motor transport) communication between immigrants working in Aden and their families back in the villages of

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[5] Called *ḥaqq al-miftāḥ*. It was frequently discussed in the Aden press during the housing shortages at the time of the tremendous expansion for about twenty years after World War II.

[6] This is discussed in our forth-coming study on Ṣan'ā' city.

the Yemen was via the Aden shop-keeper and the *gammāl*. This last was a camel-owner who always travelled at least once a month between Aden and a specific district in the Yemen – he was also called *al-ṭabal* [7] and acted as a sort of postman. Now these men no longer travel on camels but they are still known as *gammāl*. They come to Aden and collect all the *taṣādīr* (sing. *taṣdīr*), i.e. a parcel of goods, or an envelope containing money, etc. The sender would say, *"Ṣaddir-hā li-filān,* Take it to so and so." On the return journey the *gammāl* brings back with him all the *ta'ārīf* (sing. *ta'rīf*), i.e. acknowledgements of delivery, or receipts. In *Qānūn Ṣan'ā'* [8] a *taṣdūr* means a covering note accompanying goods to be delivered. The type of letter that the Yemeni would send back to his family – written by the professional letter-writer if he is not himself literate, would run, *"Ṣadar lak ṣudūr 'ishrīn riyāl/ ṭāqat bazz/ ḥawāyig,* There has been despatched to you twenty *riyāls*/ a roll of cloth/ spices." If letters are sent to a woman from abroad they would not be addressed to her but to a male child or other male relation, as in Ḥaḍramawt [9]. So Adenis, seeing a Yemeni reading a letter in a café, might poke fun at him with the conventional rhyming phrase, *"Ṣadar lak ṣadar maqramah wa-maṣar,* To you there has been despatched one shawl and one scarf."

The *hakkābah*

A very singular profession in Aden – where I am inclined to believe there were many strange customs not found or not preserved in most other south Arabian towns – was that of the *hakkābah* which may be rendered as "lady money saver". There are however also men who engage in *hakbah*. This word, in the sense in which it is used in Aden, is unknown to the Arabic lexicons consulted, but in Yemenite Ḥugariyyah the verb *hakab* means *confier, mettre en dépôt* [10]. The *hakkābah* is a well known institution in Aden and she acts as a sort of savings bank for the ladies of her neighbourhood (*ḥāfah*), but she might go round several *ḥāfahs* (*ḥāfah* in Aden nowadays just means a street), to get subscribers. Sometimes the *mukaddiyah,* i.e. the tire-woman of the bride,

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[7] If the *gammāl* used a drum (*ṭabl*) to announce his arrival that might possibly be the origin of this name for him.

[8] To be published in translation in our forth-coming Ṣan'ā' book, note 395.

[9] Cf. my "Sex, Birth, Circumcision...". In: Festschrift HERMANN VON WISSMANN (Tübingen 1962: 201).

[10] LANDBERG, *Gloss. daṭ.*, 2875 (cf. note 4).

who has many functions, is also a *hakkābah,* but some *hakkābahs* do nothing else. There is a well known *hakkābah* in Shaykh 'Uthmān who makes a great deal of money out of this profession – she is said to keep the money in a box under her bed and never to go to sleep!

The customary way in which this form of money-saving operates is that the *hakkābah* will approach a number of persons (women) – but the converse is also true in that several women would take the initiative of approaching the *hakkābah* – to these women she will suggest a scheme for saving. She will find out how much each can save in one month, and will group them in accordance with the amount they wish to save. The amount to be saved is always in tens, twenties, thirties and so on, and is known as *farshah.* If, for instance, there are ten women willing to save ten shillings a month, the first *farshah* the *hakkābah* collects will amount to a hundred shillings.

The whole point of saving money in this way is that if a woman in a group contributing 100/– *per mensem* requires a sum of, say, 500/– immediately, she can receive it at once from the total sum already collected, i.e. she can raise a capital sum in a hurry, but of course she has to keep on paying into the fund. The *hakkābah* when delivering the sum saved to the person whose turn it is to collect will charge ten shillings in every hundred, 10%, her fee being known as *hikābah.*

On the other hand the savers (*aṣḥāb al-hakbah*) may decide to make the final target of their savings 300/ – each, and if they pay 10/ – *per capita per mensem* then the first pay-out of 300/ – to the first individuel can be made only after three months of instalments have been paid. No doubt there are many ways in which the *hakbah* can be operated, but we did not record upon what principle priority is given for the first drawer to receive her instalment, be it by agreement, by lot, or some other method.

In 1965 the lady school-teachers wishing to spend a summer vacation in Cairo were saving money to do so in this way. Several of them put money together and perhaps one or two go to Cairo, next year one or two more, the persons in the ring saving the same amount each time – but they do this themselves and do not employ a *hakkābah* to do it for them!

Settlement of Disputes by Conciliation

Even in Aden the system of *ṣulḥ,* that is to say settlement outside the normal courts of justice, is very prevalent among the merchants – hence the well known dictum, *"Al-ṣulḥ khayr,* Conciliation is benefit/ advantage." This is not a *Ḥadīth*-Tradition but *ṣulḥ* is recognized in

Islam and was certainly preferred by most Yemenis to the *sharī'ah* courts – indeed it can be confidently stated that it is the usual way of composing differences everywhere in Arabia outside the towns.

The result is that a great many disputes among the merchants never go to court, though it is now noticeable (1965) that this custom is diminishing. There are however two communities among the merchants of Aden whose members are known never to go to the courts unless they are involved with outsiders – these are the Ḥaḍramī Daw'anīs (Ahl Daw'an) and the Ḥabbānīs (Ahl Ḥabbān) – the Daw'anīs are particularly well known as merchants both in Ḥaḍramawt and abroad. A member of the former community, a Bā Zar'ah man, told me[11] that he has never known a Daw'anī merchant to take another Daw'anī to the ordinary courts of justice. He stated that some Daw'anīs even wait for years until they go back home, and then file their cases against their fellow countrymen in front of their elders. Muḥammad Aḥmad Bā Junayd (pronounced Gunayd, a Daw'anī), a well known merchant in Aden who was previously established in Asmara, confirmed this, and told me of several persons in Asmara who waited for periods of over six years before they were able to go home and settle their disputes. He added that Daw'anīs considered it an *'ayb,* a shaming act, to disclose their disputes to strangers.

Mr Muḥammad 'Alī Maqṭarī (my father), who has been a merchant for a long time and dealt with almost all the Ḥabbānīs in Shaykh 'Uthmān, confirmed that similar practices obtain among them. Most of the Ḥabbānī merchants in Shaykh 'Uthman are Sayyids. (The Sayyid families of Ḥabbān are Āl Fad'aq and Āl Miḥḍār).

Neither community of course has organized courts, and their disputes are not always settled in the same manner, but there are certain men among them who are reputed to be *"aṣḥāb 'aql wa-istiqāmah,* persons of sense and integrity." The decisions of these men who act as arbitrators is almost always accepted, but it may sometimes be refused on the grounds of lack of experience (*qillat fahm*) on the part of the arbitrator.

When the parties go to the sessions of arbitration they follow no rules of procedure, and sometimes both parties will be talking at the same time and friends will try to calm them. One way of calming people at these sessions is by saying, *"Ṣallī 'alā Muḥammad,* Bless Muḥammad." Everyone would reply, *"Allāhummā ṣallī wa-sallim 'alayh",* and the person asked to pronounce the formula of blessing would calm down. (This way of interrupting an argument could be heard in Dathīnah and prob-

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[11] I. e. 'Abdullāh Maqṭarī whose account is here reproduced verbatim.

bably in every customary law court in the former Aden Protectorates.) Oaths are sometimes taken, but often when the oath is taken it is decisive and final, concluding the arbitration. The arbitrator may demand it of one of the parties, but his demand will be ineffective if the opposing party refuses to accept the man's oath [12]. Sometimes it is demanded by or offered by one or other of the parties, but again both sides to the dispute must be willing to accept such an oath as valid testimony.

The above is evidence of how closely knit were the communities from the countryside settled in Aden.

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[12] This seems to me based on the principle one finds also in customary law, namely that the plaintiff has the onus of the proof, and he who denies the charge must take the oath of denial. Cf. my "Two tribal law cases (Documents)". *Journal of the Royal Asiatic Society* (London, April and October, 1951, pt II, 165).